

SENATE BILL REPORT

SSB 5243

As Amended by House, April 3, 2007

Title: An act relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration.

Brief Description: Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach; by request of Department of Social and Health Services).

Brief History:

Committee Activity: Human Services & Corrections: 1/16/07, 2/09/07 [DPS].

Passed Senate: 3/07/07, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5243 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Kiki Keizer (786-7430)

Background: After a juvenile offender is released from the custody of the Juvenile Rehabilitation Administration (JRA), the Secretary of the Department of Social and Health Services (DSHS) may require that juvenile to comply with a program of parole in his or her community. The period of the juvenile's parole can last for up to 18 months, unless the juvenile has committed certain sex offenses, in which case the parole can last for up to 24 months, or unless the Secretary of the DSHS finds that an additional period of parole is necessary for reasons of public safety or to meet the needs of the juvenile, in which case parole may last for up to 36 months.

If the juvenile violates the conditions of his or her parole, the Secretary of the DSHS has a number of options, including increasing the juvenile's reporting obligations, imposing additional conditions of supervision, or imposing a period of confinement up to 30 days. If the juvenile was committed to the JRA for the commission of certain sex offenses and later violates his or her conditions of parole, the Secretary of the DSHS may return the juvenile to confinement for the remainder of his or her sentencing range.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Substitute Bill: If the juvenile confined for committing a "sex offense," as defined by RCW 9A.44.130, violates parole, then the Secretary of the DSHS may return the juvenile to confinement for a period of up to 24 weeks, not to exceed the remainder of his or her disposition.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: A longer term of confinement for juveniles who are subject to sex offender registration requirements, and who either abscond from supervision or remain homeless, would present an intervention and treatment opportunity. The JRA estimates that only five or six youth would be affected each year but believes there would be a high impact with respect to safety. It is not intended that the period of confinement would extend beyond the term of the judicial sentence or that the increased sanction would be applied retroactively to persons whose offenses occurred before the sanction becomes effective. Pulling people back in for intervention and treatment is somewhat analogous to the drug court setting, in which a court has the authority to bring someone back in for intervention and treatment.

Persons Testifying: PRO: Senator Brandland, prime sponsor; Sekou Shabaka, Juvenile Rehabilitation Administration, DSHS.

House Amendment(s): Confinement beyond 30 days for a youth's parole violation is intended only when other graduated sanctions or interventions have not been effective or the behavior is so egregious that it warrants the use of more intensive intervention and the violation meets certain criteria, such as fitting a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk to re-offend sexually. The total number of days of confinement for parole violations must not exceed the maximum sentence imposed by the disposition in the case, and multiple parole violations occurring before the revocation hearing cannot be stacked as consecutive 24-week terms of confinement. The DSHS is authorized to engage in rule-making to implement this subsection.